

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-76

vs.

CLAY ALLEN,

District Judge Michael J. Newman

Defendant.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 60); (2) GRANTING THE PARTIES' JOINT MOTION FOR CHANGE OF PLEA HEARING (Doc. No. 53); (3) ACCEPTING DEFENDANT'S PLEA OF GUILTY AS CHARGED IN COUNTS 1 AND 2 OF THE FIRST SUPERSEDING INFORMATION; AND (4) DEFERRING THE DECISION OF WHETHER TO ACCEPT THE PLEA AGREEMENT UNTIL THE SENTENCING HEARING

This criminal case is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. No. 60), recommending that the Court accept Defendant's guilty plea. There being no objections, the Court **ADOPTS** the Report and Recommendation in full. The parties' joint motion to change plea (Doc. No. 53) is **GRANTED**, and the Court **ACCEPTS** Defendant's plea of guilty as charged in Counts 1 and 2 of the First Superseding Information, which charges him with (1) conspiracy to possess with intent to distribute a mixture or substance containing a detectable amount of fentanyl and a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 846; and (2) making a materially false, fictitious and fraudulent statement on an application for a federal

emergency benefit in violation of 18 U.S.C. § 1040. The Court will defer the decision of whether to accept the plea agreement until the sentencing hearing.

IT IS SO ORDERED.

October 2, 2023

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge